

Message

From: Hurlid, Kathy [Hurlid.Kathy@epa.gov]
Sent: 12/22/2020 5:04:45 PM
To: Hicks, Matt [Hicks.Matthew@epa.gov]; McGill, Thomas [Mcgill.Thomas@epa.gov]; Calli, Rosemary [Calli.Rosemary@epa.gov]; Laycock, Kelly [Laycock.Kelly@epa.gov]; Beck, Whitney [beck.whitney@epa.gov]; Creswell, Michael [Creswell.Michael@epa.gov]; Ghosh, Mita [Ghosh.Mita@epa.gov]
CC: Kupchan, Simma [Kupchan.Simma@epa.gov]
Subject: RE: Florida Assumption - Effective Date

I'll get on, and my guess.....

From: Hicks, Matt <Hicks.Matthew@epa.gov>
Sent: Tuesday, December 22, 2020 11:57 AM
To: McGill, Thomas <Mcgill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Laycock, Kelly <Laycock.Kelly@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Beck, Whitney <beck.whitney@epa.gov>; Creswell, Michael <Creswell.Michael@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>
Cc: Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: FW: Florida Assumption - Effective Date

See below an inquiry I received from an attorney yesterday about the wording of today's FR notice, i.e.,

Ex. 5 AC/DP

Ex. 5 AC/DP Do folks have time for a call at 12:15 to discuss?

From: Kupchan, Simma <Kupchan.Simma@epa.gov>
Sent: Monday, December 21, 2020 11:32 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>
Subject: Re: Florida Assumption - Effective Date

Ex. 5 AC/DP

Simma

On Dec 21, 2020, at 11:01 PM, Hicks, Matt <Hicks.Matthew@epa.gov> wrote:

Simma,

I received this inquiry from an attorney today,

Ex. 5 AC/DP

Ex. 5 AC/DP

Thanks,

Matt

From: Levey, Brian <BLEvey@hunton.com>
Sent: Monday, December 21, 2020 8:09 PM
To: Hicks, Matt <Hicks.Matthew@epa.gov>
Subject: Florida Assumption - Effective Date

Matt,

Thank you for taking the time to speak with me this evening. As I mentioned on the phone, the question is whether Florida's assumption of the 404 program will be effective tomorrow, December 22.

- The pre-publication Federal Register notice for Florida assumption released on Friday (12/18) stated: "Florida's program assumption will be effective [insert date of publication in the Federal Register]." (emphasis added).
- The draft publication notice released today (12/21) for publication tomorrow (12/22) states: "Florida's program assumption will be applicable [INSERT DATE OF PUBLICATION IN THE *FEDERAL REGISTER*]." (emphasis added)

Both documents are attached for your reference.

Thank you for your assistance. Any clarification or guidance you can provide on this issue would be helpful.

<image001.jpg>

Brian Levey

Associate

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<pre-publication_version_of_12-17-2020_frn_-
_epa_approval_of_state_of_florida_request_for_a_cwa_section_404_program-c.pdf>
<2020-28232-c.pdf>